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OLC 72-0577  
9 MAY 1972

**MEMORANDUM FOR THE RECORD**

**SUBJECT: Proposed Legislation to Liberalize the Hatch Act**

**REFERENCE: Memorandum for the Record, Dated 17 April 1972,  
Subject: Administration Bill to Liberalize the  
Hatch Act**

1. S. 3417 and S. 3374 are bills which also liberalize the Hatch Act and hearings are now being held by the Senate Post Office and Civil Service Committee. S. 3417 is similar to the Administration proposal in that it also provides for participation in local elections on a non-partisan basis; provides for the Civil Service Commission to investigate violations; and grants an aggrieved employee the right of judicial review. S. 3374 permits participation in political campaigns, short of being a candidate for any political office.


2. S. 3417 was discussed with Mr. Mondello, General Counsel, Civil Service Commission. He stated that the CSC is opposed to the bill as it is patterned on the recommended bill of the Political Activities Commission in 1968. The CSC feels the bill unduly relaxes the restraints on partisan political conduct that lead to the original Hatch Act. They also fear that the provision for self-enforcement of the states would not be truly effective as the states are prone to political pressures. The CSC has testified against S. 3417. He doubts its chances of passing the Congress; however, the bill may be reported out of committee and could pass the Senate. Mr. Mondello further stated that Senators Stevens and McGee have urged that the CSC submit the Administration bill now to counter the Moss and other similar bills. This decision should be made shortly and the bill may be submitted by the end of May. We discussed the scope of the Administration and Moss bills to include excepted agencies within the jurisdiction of the CSC. Mr. Mondello recognized that this would include the Agency; however, he felt that the Director had sufficient latitude under his existing legislative authorities to avoid the administrative jurisdiction of the CSC and the court review under the Moss and Administration bills.

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3. It seems best to take no action on S. 3417 and other similar bills currently before the Congress, for the same reasons as stated in the memorandum referenced above. Progress of the bills will be closely followed.

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